



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 9, 2020

BY ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Ricardo Fabian*, 19 Cr. 566 (LTS)

Dear Judge Swain:

This case is currently scheduled for a status conference on September 10, 2020. The Government respectfully submits this letter to inform the Court that defense counsel has informed the Government that the defendant intends to enter a guilty plea. Accordingly, the parties respectfully request that the Court adjourn the status conference scheduled for September 10, and schedule a date and time for a change of plea hearing. The defendant has also indicated that he would consent to the entry of the plea via videoconference if the Court is unable to hold the proceeding in person due to the ongoing COVID-19 pandemic. The parties request a date at the Court's next available time, but defense counsel is unavailable on September 15, September 25 in the morning hours, September 28, and September 29 in the afternoon hours.

Because the parties are requesting that the status conference be adjourned to provide time to schedule the entry of a plea, the parties jointly submit that the ends of justice served by this continuance outweigh the interests of the defendant and the public in a speedy trial, and request that time be excluded under the Speedy Trial Act from September 10, 2020 to the date for a change of plea hearing set by the Court.

THE REQUESTED ADJOURNMENT AND EXCLUSION ARE GRANTED. THE CONFERENCE IS ADJOURNED TO SEPTEMBER 30, 2020, AT 9:30 A.M. IN COURTROOM 17C. THE COURT FINDS THAT THE ENDS OF JUSTICE SERVED BY THE GRANTING OF AN EXCLUSION FROM SPEEDY TRIAL COMPUTATIONS FOR THE PERIOD FROM TODAY'S DATE THROUGH SEPTEMBER 30, 2020, OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL BECAUSE OF THE NEED FOR REASONABLE TIME FOR EFFECTIVE TRIAL PREPARATION AND ONGOING DISCUSSIONS. THE COURT, ACCORDINGLY, EXCLUDES SUCH TIME PERIOD PROSPECTIVELY. ANY PROPOSED PLEA AGREEMENT OR PIMENTEL LETTER MUST BE PROVIDED TO CHAMBERS THREE BUSINESS DAYS IN ADVANCE. THE PARTIES' ATTENTION IS DIRECTED TO THE ATTACHED COURTHOUSE ENTRY PROTOCOLS. DE# 67 RESOLVED.

SO ORDERED.
9/10/2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney for
the Southern District of New York

By: /s/ Thane Rehn
Thane Rehn
Assistant United States Attorney
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